

# House Study Bill 87 - Introduced

HOUSE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE  
ON JUDICIARY BILL BY  
CHAIRPERSON ANDERSON)

## A BILL FOR

1 An Act relating to elections or appointments to a county  
2 magistrate appointing commission.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 602.6502, Code 2011, is amended to read  
2 as follows:

3 **602.6502 Prohibitions to appointment.**

4 A member of a county magistrate appointing commission  
5 shall not be appointed to the office of magistrate, and shall  
6 not be nominated for or appointed to the office of district  
7 associate judge, office of associate juvenile judge, or office  
8 of associate probate judge. A member of the commission shall  
9 not be eligible to vote for the appointment or nomination of  
10 a family member, current law partner, ~~or~~ current business  
11 partner, or current member of the same office. For purposes  
12 of this section, "*family member*" means a spouse, son, daughter,  
13 brother, sister, uncle, aunt, first cousin, nephew, niece,  
14 father-in-law, mother-in-law, son-in-law, daughter-in-law,  
15 brother-in-law, sister-in-law, father, mother, stepfather,  
16 stepmother, stepson, stepdaughter, stepbrother, stepsister,  
17 half brother, or half sister.

18 Sec. 2. Section 602.6503, subsection 2, Code 2011, is  
19 amended to read as follows:

20 2. The board of supervisors shall not appoint an attorney ~~or~~  
21 ~~an active law enforcement officer~~ to serve as a commissioner.

22 Sec. 3. Section 602.6504, subsection 2, Code 2011, is  
23 amended to read as follows:

24 2. A Notwithstanding section 39.11 or any other law or rule  
25 to the contrary, a county attorney shall not may be elected to  
26 the commission.

27 EXPLANATION

28 This bill relates to the election or appointment to a county  
29 magistrate appointing commission.

30 The bill allows the board of supervisors to appoint an  
31 active law enforcement officer to serve as a commissioner  
32 on a magistrate appointing commission. Currently, such an  
33 appointment is prohibited.

34 The bill also provides that a county attorney may be elected  
35 to serve on a county magistrate appointing commission. Current

1 law prohibits a county attorney from being elected to the  
2 commission.

3     The bill makes a commissioner of a county magistrate  
4 appointment commission ineligible to vote for the appointment  
5 or nomination of a current member of the commissioner's same  
6 office. Current law provides that a commissioner is ineligible  
7 to vote for the appointment or nomination of a family member,  
8 current law partner, or current business partner.

9     A county magistrate commission appoints the magistrates  
10 authorized for each county pursuant to Code section 602.6403.  
11 A county magistrate commission consists of a district judge,  
12 three commissioners appointed by the county supervisors, and  
13 two commissioners elected by the attorneys residing in the  
14 county.